

United States Department of the Interior

Bureau of Land Management
Northeastern States District
LLES003420

Planning Analysis and Environmental Assessment

DOI-BLM-ES-0030-2015-0009-EA

Mineral Donation **Somerset County, Pennsylvania**

Date: April 2015

Type of Action: Donation of Mineral Interests
Section 205 of the Federal Land Policy and Management Act

Serial Number: PAES-057997

Location: Youghiogheny Lake Reservoir
Addison Township
Somerset County, Pennsylvania

Project Acreage: 14 acres

Bureau of Land Management, Northeastern States District
626 E. Wisconsin Ave., Suite 200
Milwaukee, WI 53202
414-297-4400 (phone)
414-297-4409 (fax)



1.0 INTRODUCTION

This Planning Analysis (PA) and Environmental Assessment (EA) has been prepared to analyze and disclose the site specific environmental impacts of acquiring a 14 acre mineral estate through donation under Section 205 of the Federal Land Policy and Management Act (FLPMA). The Bureau of Land Management (BLM) is authorized to acquire lands or interests in lands through donation when the acquisition is consistent with the mission of the Department and in conformance with a land use plan or regulations at 43 Code of Federal Regulations (CFR) 1610.8.

1.1 BACKGROUND

John J. Barbera of Barbera, Clapper, Beener, Rullo & Melvin, LLP was referred to the Northeastern States District (NSD) of the BLM by the Pittsburgh District Office of the U.S. Army Corps of Engineers (USACE) regarding the donation of a 14 acre mineral tract that underlies the Youghiogheny River Lake Reservoir in Somerset County, Pennsylvania. John J. Barbera contacted the NSD on behalf of his clients Mary F. Whetsel and the Somerset Trust Company. The Youghiogheny River Lake Reservoir was created by the Flood Control Act of 1938 and is managed by the Pittsburgh District. The surface estate for the 14 acre mineral tract was acquired by the Federal government as a result of the Flood Control Act of 1938 and is under the jurisdiction of the USACE.

James C. Whetsel and Mary F. Whetsel purchased a 42 acre mineral tract in Addison Township, Somerset County, Pennsylvania in 1974. Mary Whetsel and the Somerset Trust Company, the sole Trustee of UTC Trust under will of James C. Whetsel, sold 28 acres of the mineral tract with 28 acres of surface overlying the mineral estate in 2012. The United States government owns the surface of the remaining 14 acres in the mineral tract. Mary Whetsel and the Trust would like to donate the 14 acres remaining in the mineral tract that corresponds to the 14 acres of Federal surface land under the jurisdiction of the USACE. The donation will consolidate the surface and mineral estate of the 14 acres in the United States and it will eliminate future management of split estate for the heirs of James C. and Mary F. Whetsel.

1.2 PURPOSE AND NEED OF PROPOSED ACTION, DECISION TO BE MADE

Purpose of Proposed Action

The purpose of the proposed action is to accept the donation of a 14 acre mineral tract if the acquisition meets the goals and objectives of the BLM, the Department of Interior, and the USACE.

Need for Proposed Action

The BLM's need for the proposed action is to respond to a request to donate a 14 acre mineral estate in Somerset County, Pennsylvania in accordance with laws and regulations, BLM policy, the BLM Acquisition Handbook, H-2100-1, and USACE acquisition goals and objectives.

Decision to be made

Based on the information provided in this PA/EA, the District Manager of the BLM NSD, as the Authorized Officer, will decide whether a finding of no significant impact can be made regarding the acquisition of mineral interests in Somerset County, Pennsylvania through donation. If a finding of no significant impact is made, the District Manager will make a decision whether to accept or refuse the donation of mineral interests in a 14 acre tract.

1.3 CONFORMANCE WITH BLM LAND USE PLAN

The proposed action is being considered under regulations at 43 CFR 1610.8 Transition Period (b)(1) which states:

If an action is proposed where public lands are not covered by a management framework plan or a resource management plan, an environmental assessment and an environmental impact statement, if necessary, plus any other data and analysis necessary to make an informed decision, shall be used to assess the impacts of the proposal and to provide a basis for a decision on the proposal.

The BLM Eastern States has primary responsibility in the State of Pennsylvania for managing Federal mineral interests in lands under the jurisdiction of other Federal agencies with surface management responsibilities. The proposed action would acquire mineral interests that underlie surface lands managed by the USACE. The authorizing legislation for the USACE to acquire lands and interests in lands along the Youghiogheny River in Somerset County Pennsylvania is the Flood Control Act of 1938. The proposed acquisition of minerals by the Federal government would be in conformance with the 1938 Act which authorized the acquisition of land and interests in land for flood protection in the Youghiogheny, lower Monongahela River, and Ohio River Valleys.

1.4 RELATIONSHIPS TO STATUTES, REGULATIONS AND OTHER PLANS

This PA/EA is prepared pursuant to the National Environmental Policy Act (NEPA) and subsequent regulations adopted by the Council on Environmental Quality (40 CFR §1500). The PA/EA is intended to be a concise public document which analyzes the probable and known environmental impacts of the proposed action and the alternative(s) upon the components of the human environment and reaches a conclusion as to their significance. The ultimate decision of this PA/EA must ensure that the actions approved are not only in the best interest of the public, but would not result in a significant impact to the human environment (40 CFR §1508.13).

The authority for the acquisition of land or interests in land and the acceptance of donated land or interests in land is found in Section 205 of the Federal Land Policy and Management Act (FLPMA) of 1976. BLM guidance for the acquisition of land and interests in land is found in H-2100-1 – Acquisition Handbook. Under the provisions of Section 205, the BLM is authorized to acquire land and interests in land that are consistent with Departmental mission and with applicable land use plans. The authority for the Youghiogheny River Lake operation was established by the Flood Control Act of 1938 (Public Law 75-761). The Act provided the

USACE with the authority to acquire land and interests in land for the Youghiogheny River Lake Reservoir.¹ The mineral interests proposed for donation are within the reservoir boundary managed by the USACE.

1.5 SCOPING AND PUBLIC INVOLVEMENT

Scoping is an important part of the NEPA process that determines key issues related to a proposed action (40 CFR §1500.7). Scoping can involve federal, state, and local government agencies, tribal governments, resource specialists, industry representatives, local interest groups, and other members of the public. Initial scoping for the EA was limited to an internal review by the Interdisciplinary Team and consultation with the USACE.

1.6 IDENTIFICATION OF ISSUES

Key issues defined by the Interdisciplinary Team are those that 1) drive the analysis of environmental effects; 2) prescribe or necessitate the development of mitigation measures; and/or 3) drive the development of additional project alternatives. These issues are carried forward for analysis in Chapter 3.0 of the EA. The key issues are summarized as follows:

- Would the proposed acquisition of mineral interests impact land use for flood control measures within the Youghiogheny River Lake?
- Would the proposed acquisition of mineral interests impact land use for water quality, recreation, or other values at Youghiogheny River Lake?

2.0 DESCRIPTION OF THE PROPOSED ACTION

The proposed action would accept the donation of 14 acres of mineral estate for coal and other minerals upon approval of title by the Office of the Solicitor in the following land:

As per a Deed of Indenture dated April 8, 1942, from T.G. Collier and Ella B. Collier, his wife, to the United States of America, recorded in Somerset County Volume 327, page 547, and shown on a plat of survey published by the Corp of Engineers, U.S. Army, titled Pittsburgh Flood Control, Youghiogheny River Reservoir, originally dated September 1939 and later dated September 27, 1940. The following bearings and distances were taken from the above cited sources to represent a 14± acre mineral rights parcel, a remnant of a larger 42 acre mineral rights parcel.

Beginning at a Maple near the easterly edge of a public earth road, at a corner common to lands owned at the time by Lawrence S. May and lands owned by Frank L. Jefferys, thence S 51°51'E, a distance of 317.5 feet; thence S 34°10'E, a distance of 1049.6 feet; thence N 52° 38' W, a distance of 910 feet ± to the Youghiogheny River; thence down the Youghiogheny River with meanders of the right bank of the river to a point of intersection with the right bank of the Youghiogheny River and a line extended S 70°45'W from the point of beginning. Containing approximately 14± acres.

The mineral interests in the above land were severed prior to the acquisition of the surface by the USACE under the Flood Control Act of 1938. The USACE did acquire oil and gas rights with

the surface property. The proposed donation would consolidate surface with the remaining mineral estate for the Federal government and eliminate split estate. The landowners would convey the proposed mineral estate to the United States of America by an approved deed. The Federal government would record title in Somerset County, Pennsylvania after the final opinion of title has been signed by the Office of the Solicitor. The BLM would notify the USACE to update their record of mineral ownership following the recording of the deed. The proposed donation would not be used by the landowner for a tax deduction. No appraisal is required. The donation will simplify the management of the landowners' estate and it will resolve a long-standing family concern that the minerals were not sold to the government when the surface was conveyed.

The acquisition of minerals will provide the Federal government with control over the entire mineral estate; however accepting the 14 acre mineral estate will not open the mineral interests to the mineral leasing laws and development. Lands or interests in lands acquired through donation have the status of "Acquired Lands" pursuant to 43 CFR 2091.8 which states:

Upon acceptance by the United States, through the Secretary of the Interior, of a deed of conveyance as a gift, the lands or interests so conveyed will become the property of the United States but will not become subject to applicable land and mineral laws of this title unless and until an order to that effect is issued by the BLM.

A Mineral Report prepared by the NSD approved March 4, 2015 found no known mineral value in the 14 acre mineral estate for oil, gas, and coal development although gas development occurs in the area. The acquisition will secure the mineral interests under the control of the Federal government even though there is little potential for development. Development of Federal minerals would require an opening order, site specific analysis, and USACE concurrence. The minerals will not be open to development upon acquisition and the likelihood of future development is minimal; however the acceptance of the mineral donation will consolidate the entire mineral estate in Federal ownership. Future development of the minerals would not be at the discretion of private parties.

2.1 NO ACTION ALTERNATIVE

Under a No Action Alternative the BLM would not acquire the 14 acre mineral tract. The mineral interests would remain in private ownership and there would be no elimination of split estate or consolidation of surface and mineral interests, and although minimal, the development of privately held minerals would remain a possibility.

3.0 AFFECTED ENVIRONMENT

GENERAL DESCRIPTION

The 14 acre mineral estate proposed for acquisition is located along a meander in the Youghiogheny River within the Youghiogheny River Lake Reservoir managed by the USACE in southwestern Pennsylvania in Addison Township. The Youghiogheny River Lake spans an area along the Mason-Dixon Line between the States of Pennsylvania and Maryland. The surface land overlying the 14 acres mineral estate consists of both upland and submerged land.

The Pittsburgh District of the USACE has managed the reservoir since 1943 for flood control throughout the Youghiogheny, Monongahela, and Ohio River valleys. The project also focuses on improved water quality and provides a variety of recreational opportunities; picnicking, fishing, camping, boating, and swimming. Pittsburgh is approximately 70 miles northwest of the project site. A dam is located 1.2 miles upstream from Confluence, Pennsylvania. The project extends southward approximately 17 miles to Friendsville, Maryland.

The watershed that drains into Youghiogheny River Lake Reservoir comprises about 434 square miles. The federally controlled land at Youghiogheny River Lake totals 3,915 acres. Of that area, 3,915 acres is owned in fee with 2,846 acres in Pennsylvania and 1,068 acres in Maryland. All project lands were acquired for operational requirements under the Flood Control Act (Public Law 75-761) approved June 28, 1938.

No oil and gas development or mineral operations have taken place on the 14 acre mineral tract. The area was reviewed for hazardous materials but no known sites were identified. If the mineral tract is acquired, they will have the status of “acquired minerals” that are withdrawn from the operation of the general land laws and the mining laws. Future development would require an opening order and a site specific environmental analysis.

The following human environment/resource elements have been reviewed and determined to be either not present or not affected by the proposed action to acquire mineral interests. No sensitive or unique resource values were identified. The following elements will not be discussed further in this document.

- Fish Habitat
- Forests and Rangelands
- Migratory Birds
- Native American Religious Concerns
- Environmental Justice/Socioeconomics
- Farm Lands, Prime or Unique
- Water Quality; Drinking/Ground
- Wild and Scenic Rivers
- Wilderness/WSAs/ACECs
- Air Quality
- Global Climate Change
- Paleontology
- Range / Livestock Grazing
- Visual Resource Management
- Sensitive Status Plants
- Wetlands/Riparian Areas/Floodplains
- Wildlife/BLM Sensitive Species

3.1 LAND USE

The land surrounding the Youghiogheny River Lake project is rural and mountainous in character and sparsely populated compared to neighboring areas in the surrounding counties. Land use is primarily agricultural, which occurs across gently rolling ridges and uplands divided by forested hillsides and ravines. A significant number of acres in Somerset County have been devoted to recreation and wildlife including a Rails-to-Trails development immediately adjacent to Youghiogheny River Lake. Some timber harvesting occurs locally and although gas Districts and strip mining for limestone, sandstone, sand and gravel, clay, and shale occur in surrounding counties, no mining activities presently occur adjacent to Youghiogheny River Lake. Coal Districts have been generally depleted in the region. The Youghiogheny River Lake is a popular

recreation area and numerous summer home developments occur adjacent to the project. The USACE has permitted approximately 743 private and community docks on the lake and there continues to be strong demand for additional docking facilities and increased use of the lake for recreation.²

3.2 ENDANGERED SPECIES

The county in which this transfer is proposed contains known occurrences of Indiana bat (*Myotis sodalis*), an endangered species, and northern long-eared bat (*Myotis septentrionalis*), a proposed-endangered species.

3.3 CULTURAL RESOURCES/NATIVE AMERICAN RELIGIOUS CONCERNS

Prior to the creation of the Youghioghenny Lake Reservoir the river valley was subjected to archeological surveys and excavations on known sites prior to inundation. The Martin Site is the most notable of these, which contains the remains of a Woodland Era village; it is now under the waters of the reservoir. There are no known cultural resources on the surface of this donation either under the lake or on the shoreline.

3.4 RECREATION

The mineral donation is either under or along the shoreline of the Youghioghenny Reservoir, a popular recreation area for boating and fishing. There are no facilities developed for recreation on the mineral donation, although water related activities take place in the reservoir and at times of low water the shoreline may be used for the temporary beaching of watercraft.

3.5 WASTES, HAZARDOUS OR SOLID

BLM completed a site inspection on March 19, 2015 and met with Joshua Bridge, Resource Manager at the Youghioghenny River Lake Office in Confluence, Pennsylvania, who reported no known occurrence of hazardous material release on the surface or in the area. BLM inspected the entire length of the mineral tract along the shoreline. The visual inspection found no evidence or indication of past or current release of hazardous substances, mining, oil and gas operations, or any other environmental concern or occupation on the surface or extending to the subsurface of the mineral estate. No further inquiry is required.

4.0 ENVIRONMENTAL EFFECTS

4.1 LAND USE

PROPOSED ACTION

The change in ownership created by the mineral donation will not trigger new mineral development that would impact flood control measures, water quality, or recreational values within the Youghioghenny River Lake Reservoir. The uses of the surface above the mineral estate will remain the same as current uses. There will be no mineral development and therefore no environmental impacts from development.

NO ACTION

Under a No Action Alternative, the Federal government would forego an opportunity to eliminate split estate and consolidate ownership to improve the Federal land pattern within the

Youghiogheny River Lake. Any future discovery of minerals would be unavailable to the Federal government and future mineral development would be at the discretion of private owners.

4.2 ENDANGERED SPECIES

Since the proposed transfer is not expected to result in any mineral development, the proposed action will have no effects to endangered species.

4.3 CULTURAL RESOURCES/NATIVE AMERICAN RELIGIOUS CONCERNS

Since this mineral donation will not result in any ground disturbing activities, there will be no adverse effects to cultural resources or Native American religious practices. Any future ground disturbing activities will require cultural resources surveys and appropriate consultations with Native American Tribes and the Pennsylvania State Historic Preservation Office. No further analysis is warranted at this time.

4.4 RECREATION

The mineral donation is either under or along the shoreline of the Youghiogheny Reservoir, a popular recreation area for boating and fishing. Because there is no ground disturbing activity, this donation will not result in the curtailing of any recreational activities and no further analysis is warranted at this time.

4.5 WASTES, HAZARDOUS OR SOLID

No hazardous substances or environmental concern was identified and since no mineral development is expected to take place, the proposed action would not result in the future release of hazardous materials.

5.0 CUMULATIVE AND RESIDUAL EFFECTS

Because there are no direct impacts (section 4.0), there are no cumulative impacts.

6.0 CONSULTATION AND COORDINATION

List of Persons, Agencies and Organizations Consulted

Name	Purpose & Authorities for Consultation or Coordination	Findings & Conclusions
Jeffrey Horneman, PLS/GISP Acting Chief, Real Estate Division Pittsburgh District U.S. Army Corps of Engineers (412) 395-7476 (work) jeffrey.a.horneman@usace.army.mil	Coordination with USACE for the donation of mineral interests underlying their surface	Location maps provided for mineral interests and deeds for the surface estate
Stephen Mahoney Attorney-Advisor Pittsburgh District Office Office of the Solicitor U.S. Department of the Interior	Title Review and Opinion	Abstract of Title acceptable

3 Parkway Center, Suite 385 Pittsburgh, PA 15220 412-937-4009		
WO Lands and Realty WO-350	Authority for donation	Federal Land Policy and Management Act

List of BLM Preparers

Name	Title	Responsible for the Following Section(s) of this Document
Carol Grundman	Realty Specialist, Preparer	Proposed Action, Purpose and Need, Conformance with Land Use Plans, Relationship to Statutes and Regulations, Proposed Action and No Action Alternative, Land Use
Kurt Wadzinski	Planning and Environmental Coordinator, Editor	Document Review, Socioeconomics and Environmental Justice
Derek Strohl and Kyle Schumacher	Natural Resources Specialist	Threatened and Endangered Species; Fish and Wildlife; Invasive Species/Noxious Weeds; Threatened, Endangered or Candidate Animal Species/Migratory Birds; Wetlands/Riparian Zones; Vegetation; Air and Water Quality; Farmlands; Floodplains; Soils; Hazardous Wastes, Recreation
Jarrodd Kellogg	Archeologist	Cultural Resources, Native American Religious Concerns, Paleontology

7.0 LITERATURE CITED

1. Youghiogheny River Lake Pennsylvania and Maryland Master Plan, 2007
2. Market Analysis of Youghiogheny River Lake Project Located Within Fayette and Somerset Counties, Pennsylvania and Garrett County, Maryland Prepared for US Army Corps of Engineers, Pittsburgh District by James J. Kelly Pennsylvania Certified General Appraisal, September 18, 2013.

Carol Grundman
Preparer

March 30, 2015
Date


Planning & Environmental Coordinator

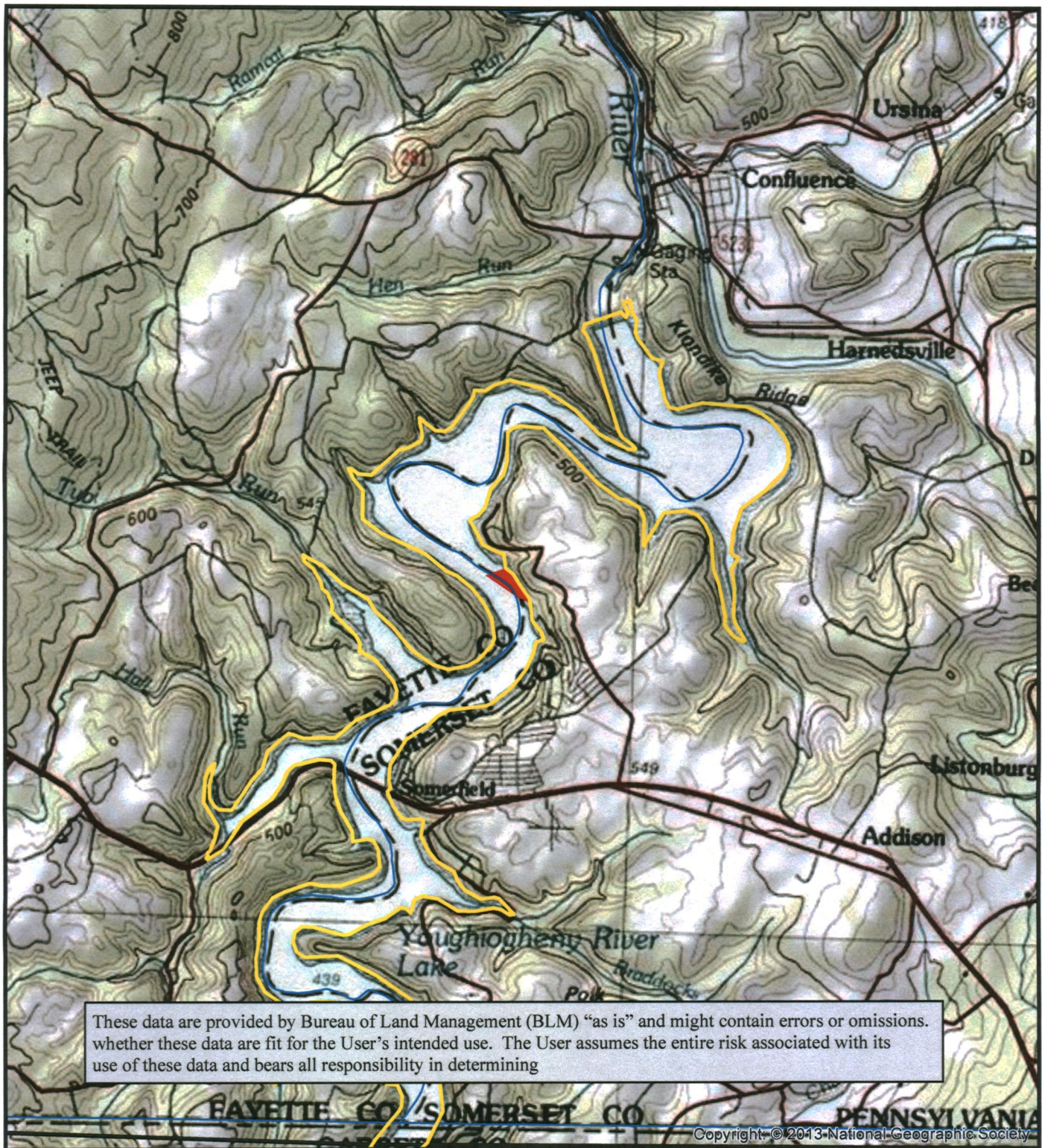
MARCH 30, 2015
Date


Associate District Manager

6 April 2015
Date

Appendix A

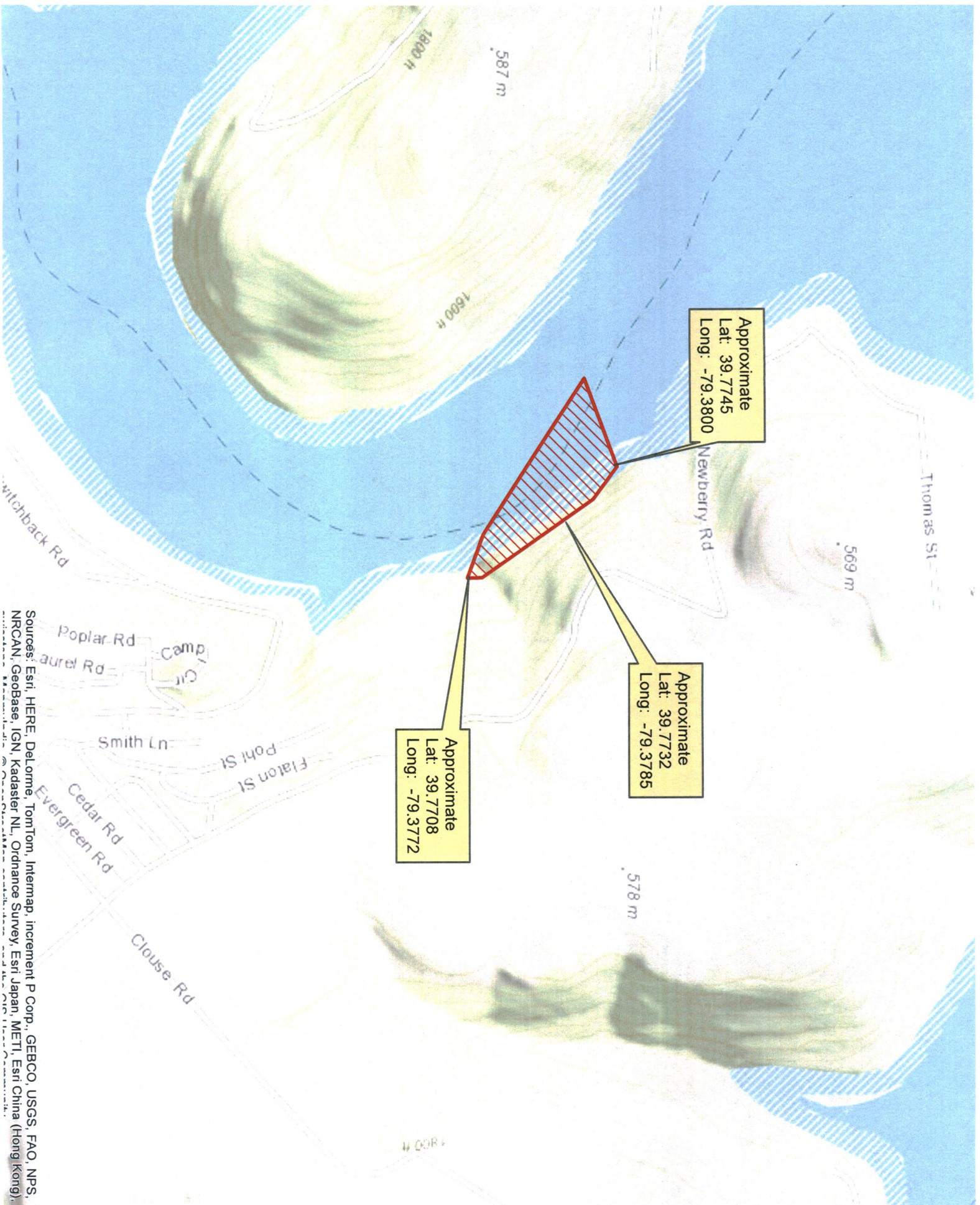
MAPS



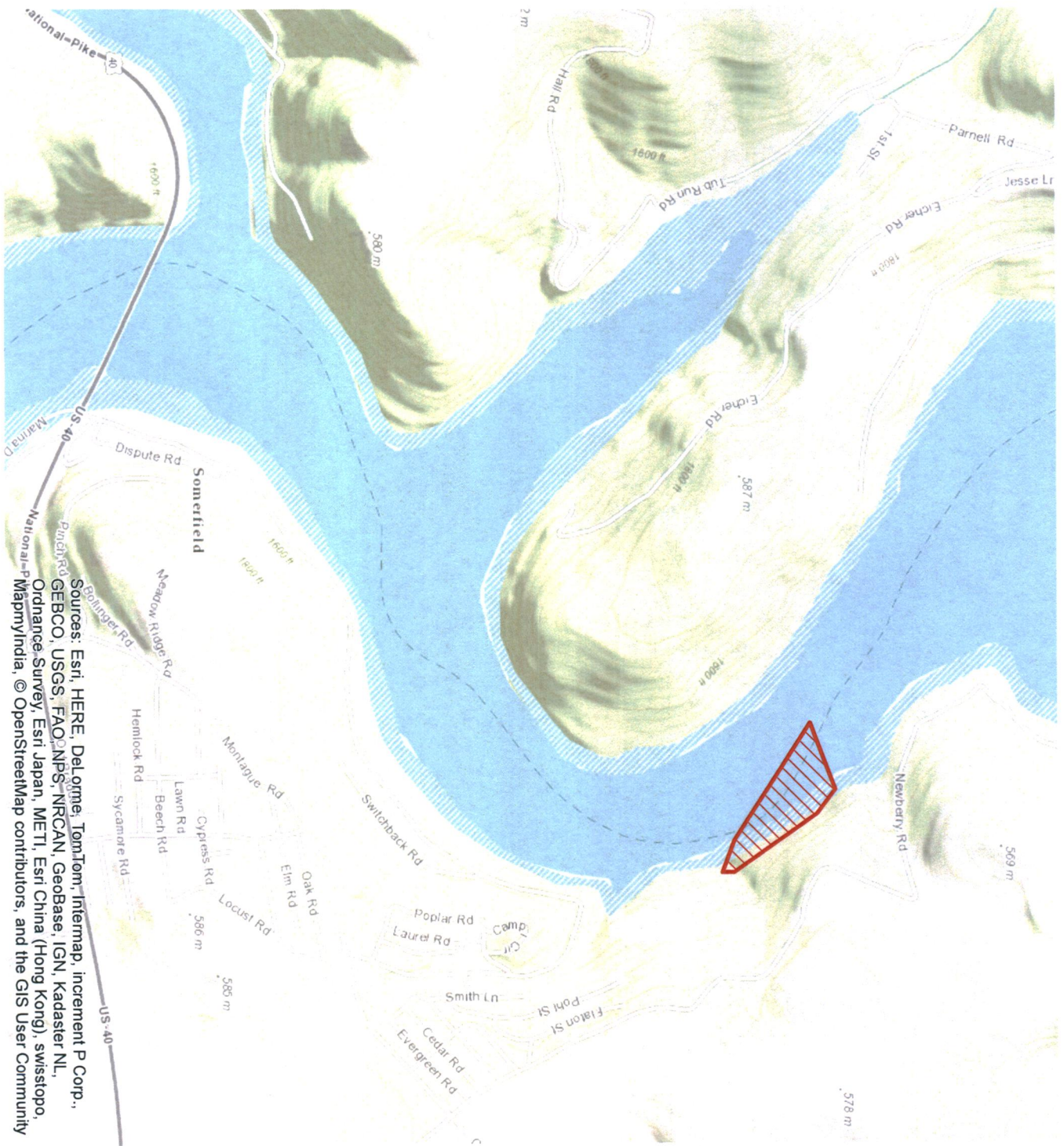
Mineral Donation Somerset County, Pennsylvania

- Youghiogheny Water Project
- Mineral Estate
- States





Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Mapbox, and the OpenStreetMap contributors.



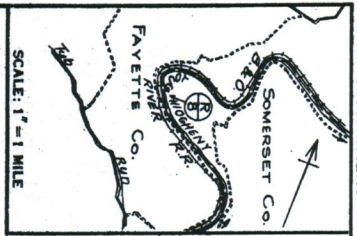
Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp.,
GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL,
Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swiss topo,
MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



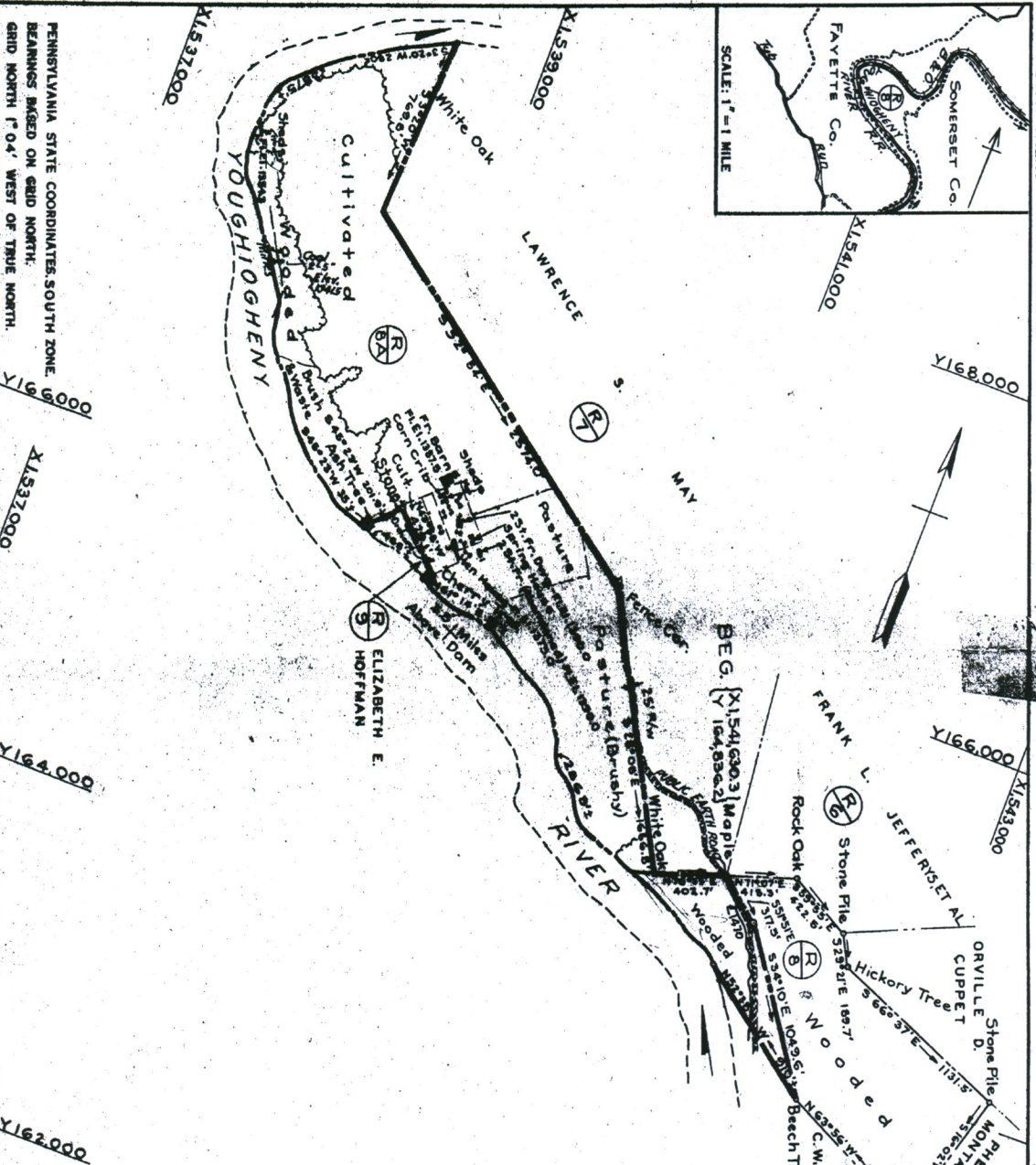
NOTE - The following courses and distances N2°W-55, N54W-156 are from deed of Tarleton G. Collier D.B. 209 Page 353
S54°45W-15.8, N 38W-25.3 are from deed of Elizabeth Hoffman D.B. 301 Page 375

WAR DEPARTMENT

CORPS OF ENGINEERS, U. S. ARMY



PENNSYLVANIA STATE COORDINATES SOUTH ZONE
BEARINGS BASED ON GRID NORTH;
GRID NORTH 1° 04' WEST OF TRUE NORTH.



**PITTSBURGH FLOOD CONTROL
YOUGHIOGHENY RIVER RESERVOIR**
LAND TO BE ACQUIRED BY THE UNITED STATES
SCALE: 1" = 800'
U. S. ENGINEER OFFICE
DRAWN BY: J. A. E.
FILE NO. O 374 - UIN-114
PITTSBURGH, PA.
SEP. 1939.

FINAL PLAT
SEP 27 1940

PARCEL NO. (R) 8
OWNER - T. G. COLLIER
DEED BOOK 248 **PAGE** 237
TOTAL AREA OF TRACT (FROM DEED) 141.08 ± ACRES
TOTAL AREA OF TRACT (BY SURVEY) 128.20 ± ACRES
AREA OF PARCEL TO BE ACQUIRED 100.00 ± ACRES
INCLUDES ROAD R/W 0.85 ± ACRES
RESIDUAL AREA OF TRACT 28.20 ± ACRES

FINDING OF NO SIGNIFICANT IMPACT
Planning Analysis and Environmental Assessment
DOI-BLM-ES-0030-2015-0009-EA
Mineral Donation
Somerset County, Pennsylvania

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, and considering the significance criteria in 40 CFR 1508.27, I have determined that the proposed action to accept a 14 acre mineral donation of coal and other mineral rights in Somerset County, Pennsylvania under Section 205 of the Federal Land Policy and Management Act (FLPMA) will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

Authorized Officer: _____


District Manager
Northeastern States District

4/8/2015
Date

Bureau of Land Management

Northeastern States District

DECISION RECORD

Planning Analysis and Environmental Assessment

DOI-BLM-ES-0030-2015-0009-EA

Mineral Donation, Somerset County, Pennsylvania

Background: The Bureau of Land Management (BLM) Northeastern States District (NSD) received a referral from the U.S. Army Corps of Engineers (USACE), Pittsburgh District Office, concerning the donation of a 14 acre mineral tract that underlies the Youghiogheny Lake Reservoir in Somerset County, Pennsylvania. Attorney John J. Barbera of Barbera, Clapper, Beener, Rullo & Melvin, LLP contacted the USACE on behalf of his clients Mary F. Whetsel and the Somerset Trust Company to propose the donation of a 14 acre mineral estate that underlies the Youghiogheny River Lake Reservoir. The Youghiogheny River Lake Reservoir was created by the Flood Control Act of 1938 and is managed by the USACE Pittsburgh District Office. The 14 acre mineral tract is within the jurisdiction and boundary of the Reservoir. USACE referred Attorney Barbera to the BLM NSD to process the mineral donation.

Mary Whetsel and the Somerset Trust Company, the sole Trustee of UTC Trust under will of James C. Whetsel, deceased, hold ½ interests in the 14 acre mineral tract that is located in Addison Township, Somerset County, Pennsylvania along the northeastern shore of the Youghiogheny River. Mary Whetsel and her husband purchased the mineral estate in 1974. Coal and other minerals were severed from the surface estate in a deed executed in 1920. Although coal was a very valuable commodity in Pennsylvania, this area has been largely depleted of its coal reserves. No mining has taken place within the mineral tract that is partially submerged by USACE Reservoir operations.

Authority/Regulation: The authority for this decision is Section 205 of the Federal Land Policy and Management Act (FLPMA) of 1976, as amended, that authorizes the acquisition or donation of lands or interests in lands that are consistent with the mission of the Department and in conformance with a land use plan or regulations at 43 Code of Federal Regulations (CFR) 1610.8.

Plan Conformance and Consistency:

The proposed action is being considered under regulations at 43 CFR 1610.8 Transition Period (b)(1) which states:

If an action is proposed where public lands are not covered by a management framework plan or a resource management plan, an environmental assessment and an environmental impact statement, if necessary, plus any other data and analysis necessary to make an informed decision, shall be used to assess the impacts of the proposal and to provide a basis for a decision on the proposal.

The BLM Eastern States has primary responsibility in the State of Pennsylvania for managing Federal mineral interests in lands under the jurisdiction of other Federal agencies with surface management responsibilities. The proposed action would acquire mineral interests that underlie surface lands managed by the USACE. The authorizing legislation for the USACE to acquire lands and interests in lands along the Youghiogheny River in Somerset County Pennsylvania is the Flood Control Act of 1938. The proposed acquisition of minerals by the Federal government would be in conformance with the 1938 Act which authorized the acquisition of land and interests in land for flood protection in the Youghiogheny, lower Monongahela River, and Ohio River Valleys and FLPMA.

Alternatives Including the Proposed Action:

No Action: The No Action alternative would refuse Mary F. Whetsel and the Somerset Trust Company's offer to donate the 14 acre mineral tract to the Federal government. The mineral interests would remain in private ownership and there would be no elimination of split estate or consolidation of surface and mineral interests under the jurisdiction of the USACE. The mineral interests would remain open for potential development by private mineral owners.


Proposed Action: The Proposed Action alternative would accept the donation of 14 acres of mineral estate for coal and other minerals upon approval of title by the Office of the Solicitor. The mineral interests were severed from the surface estate before the USACE acquired the surface for flood control under the Flood Control Act of 1938. Oil and gas rights were acquired in 1942 by USACE with the surface property. The proposed donation would consolidate the surface with the remaining mineral estate and eliminate management of split estate. The landowners would convey the proposed mineral estate to the U.S. of America by an approved deed. The Federal government would record title in Somerset County, Pennsylvania and notify the USACE to update their record of mineral ownership. The proposed donation would not be used by the landowner for a tax deduction. No appraisal was required. The acquisition of minerals will provide the Federal government with control over the entire mineral estate, however accepting the 14 acre mineral tract will not open the mineral interests to development and the mineral leasing laws.

Rationale for Decision:

The attached PA/EA describes the existing environmental resources in the proposed action area and evaluates the No Action and Proposed Action alternatives. The decision to select the Proposed Action alternative was based on a Finding of No Significant Impact. The Proposed Alternative to accept the donation of coal and other minerals in a 14 acre mineral tract underlying USACE lands in Somerset County, Pennsylvania was found to have no significant impacts and to be a beneficial and appropriate acquisition for the Federal government. The mineral acquisition will consolidate the surface interests with the entire mineral estate under management by the Federal government. The No Action alternative was not chosen because surface and mineral interests would remain in split estate, and the coal and other minerals would remain subject to discretionary development by private owners.

The alternatives were considered in a Planning Analysis and Environmental Analysis (PA/EA) in compliance with regulations at 43 CFR 1610.8. The proposed alternative is in conformance with

the Flood Control Act of 1938 (Public Law 75-761) that authorized the acquisition of land and interests in lands for flood control, and BLM policy to manage Federal minerals for the benefit of the public. Consultations under Section 7 for Threatened and Endangered Species and Section 106 for Historic Preservation were not required because there will be no action taken to develop the minerals when they are acquired by the Federal government. The minerals will have the status of "acquired minerals" and will be withdrawn from the general land laws. Any change in development plans would require additional site specific analysis and consultation.

Authorized Officer: 
District Manager
Northeastern States District

4/8/2015
Date

Attachments:

Planning Analysis and Environmental Assessment

Pre-Acquisition Liability Survey

Certificate of Inspection and Possession

Draft Quick Claim Deed

Abstract of Title

APPEAL PROCEDURES

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4.

Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at the Northeastern States District, 626 East Wisconsin Ave., Suite 200, Milwaukee, WI 53202. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.